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Attorney Docket No. 21051.00

Customer No. 37833

Confirmation No. 8743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE *PATENT* APPLICATION OF:

APPLICANT : ALBERT A. WHITTINGTON

APPL. NO. : 10/682,347

ART UNIT : 1793

FILED : OCTOBER 10, 2003

EXAMINER : LANGE, W.

TITLED : COATING FOR FERTILIZER

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated December 14, 2007, the Examiner required restriction under 35 U.S.C. § 121 prior to an examination on the merits of the above-identified application. The separate inventions identified by the Examiner are as follows:

- I. Claims 1-8, drawn to a coating apparatus.
- II. Claims 9-29, drawn to a method for coating fertilizer particles and products thereof.

The Examiner states that the inventions as grouped are related as process and apparatus for its practice. The Examiner asserts that the process of invention II can be practiced by a apparatus materially different from that of invention Group I, "such as one which does not include a rotating coating drum or separate nozzles for spraying the components."

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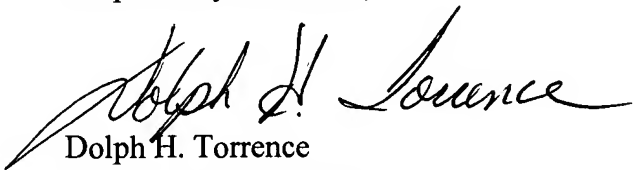
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In compliance with the Examiner's restriction requirement, Applicant provisionally elects with traverse for further prosecution the invention defined by Claims 9-29 (designated as invention II).

Notwithstanding the propriety of the restriction requirement for examination purposes, Applicant contends that he should be entitled to a consideration of a reasonable number of related embodiments falling within the scope of a generic inventive concept. Moreover, it would appear that a search and examination of the entire application could be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search.

Therefore, it is respectfully requested that the Examiner withdraw the restriction requirement and issue an action on the merits of the claimed embodiments presently in the application. Alternatively, should the Examiner maintain the requirement, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,



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